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Application Number 10/509,402

Filing Date September 23, 2004

First Named Inventor Mikael JAAKKOLA

Art Unit 2618

Examiner Name Tuan PHAM

Attorney Docket Number 915-001.037

**ENCLOSURES (Check all that apply)**

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| Date         | October 20, 2008                              | Reg. No. | 27,550 |

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Attorney Docket 915-001.037  
Serial No. 10/509,402

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

First named inventor: **Mikael JAAKKOLA**  
Serial No.: **10/509,402**  
Filed: **September 23, 2004**  
Title: **Personal Telecommunication Device with Two Parts and  
Pronounced Potential for Self-Expression**  
Group Art Unit: **2618**  
Examiner: **Tuan PHAM**

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**REPLY BRIEF**

Sir:

This Reply Brief is in reply to the Examiner's Answer mailed on August 18, 2008.

I hereby certify that this communication is being deposited with the United States Postal Service today, **October 20, 2008**, in an envelope with sufficient postage as first-class mail addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lisette Ramos

RESPONSE TO GROUNDS OF REJECTION

INDEPENDENT CLAIMS 1 AND 23

At page 5 of the Examiner's Answer, the Examiner states that the second information processing device 101 disclosed in US patent 6,825,830, Kanesaka, et al (hereinafter Kanesaka), can have a hanging arrangement hanging on a person's neck to communicate with other devices (see also page 15 of Examiner's Answer lines 2-4). The statement is made to support the rejection of claim 1 that the second information processing device 101 of Kanesaka is an amulet as recited in claim 1.

However, the word "amulet" is more than just a display device. A definition of "amulet" is:

"An object worn, especially around the neck, as a charm against evil or injury." *American Heritage Dictionary of the English Language, Fourth Edition, Copyright 2000.*

There is no disclosure in Kanesaka that the second information processing device 101 (which is shown as a wristwatch type device in Figure 1) could be considered an amulet. As the Examiner admits, Kanesaka's second information processing device clearly does not comprise a microphone and an electroacoustic transducer for setting up an audio interface between the personal communication device and a human user as required by claim 1. The Examiner takes the position at pages 5-6 and 15 of the Answer that Marshall teaches a wireless personal entertainment media module 200 and that such a module is in the same environment as Kanesaka's information processing system.<sup>1</sup> The Examiner therefore asserts that it is obvious to incorporate Marshall's teaching of a microphone and speaker in the personal entertainment media module 10 with Kanesaka's second information processing device. Applicant respectfully disagrees.

Firstly, Marshall's microphone and speaker in the hang-around-your-neck module 200 is not suitable for telecommunications. The microphone 206 shown in Figure 8 and microphone 64 forming part of headset 60 as shown in Figure 2 of Marshall are for

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<sup>1</sup> At pages 5-6, the Examiner references module 200 shown in Figure 8 of Marshall while at page 15, line 5-8, module 10 shown in Figures 1 and 2 is referenced. Only module 200 shows a microphone 206 and speaker 208. Module 10 in Figure 2 is shown as communicating with headset 50 which includes speakers 62 and optional microphone 64.

recording comments and performing voice control of the module (see paragraphs [0031]-[00033], and [0054] of Marshall).

Further, Marshall sets forth that if the user needs a microphone and speaker for telecommunication purposes, they should use a cell phone 240 as shown in Figure 11, rather than the module 200 shown in Figure 8.

More importantly and counter to the arguments set forth in the Examiner's Answer that one of ordinary skill in the art would be motivated to include a microphone and speaker in the second information processing device 101 even though such a microphone and speaker are not disclosed or suggested in Kanesaka, is the fact that Kanesaka's first information processing device 100 clearly includes a microphone and speaker since it is a portable telephone (Kanesaka, column 4, lines 20-26). Consequently, what would be the motivation for a person of ordinary skill in the art to consider providing a redundant microphone and a redundant speaker in Kanesaka's second information processing device when clearly the second information processing device as disclosed in Kanesaka is for "displaying second level information corresponding to a sub-level of the first level of information displayed by the display of the first information processing device" (Kanesaka, Abstract).

Thus, combining the teaching of Figure 11 of Marshall (which shows that if the user has a cellular phone available, to use its microphone and speaker and incorporate all of the other features into the same device) with the secondary information processing device in Kanesaka, yields the straightforward and unambiguous teaching of not incorporating a microphone or speaker in the second information processing device of Kanesaka.

At page 6 of the Examiner's Answer, the Examiner relies on Morton to teach a display to self-express himself/herself as required by claim 1. Further at pages 16-17 of the Examiner's Answer, the Examiner asserts that Appellant's argument that Morton does not suggest the displaying of information to third parties in order to allow the user of the display to self-express himself/herself is countered by Morton's teaching of a medical information device which includes a display device for providing medical condition information to medical personnel who may pass by or look at the device worn by a patient.

Furthermore, Morton's device explicitly requires the medical personnel who may pass by to "press the programming buttons 30 to view the programmed information on the display 28" (Morton, paragraph [0029]). Thus, the device of Morton is clearly not available for any type of self-expression of the user, but for information retrieval in response to medical personnel who wish to access medical information by pressing the button on the device. In all other situations, a person passing by or otherwise looking at a person wearing such a device would see a blank screen.

In summary, the three references combined by the Examiner to assert obviousness are from three different technical fields. Of these three references, only Kanesaka is related to a wireless communication system, while Marshall is related to personal entertainment media storage devices and Morton is related to electronic identification tags. Each of the three references discloses a display, but this is believed to be of secondary importance because claim 1 is directed to patentability of a personal telecommunication device in which the microphone and speaker are part of an amulet which includes a display for allowing the user to self-express himself/herself.

The purposes of the devices of the three references for which hanging is available are clearly different; namely, to provide a secondary information display to the user (Kanesaka), to provide a single-unit entertainment storage device (Marshall), or offering an otherwise passive device for someone else to perform an active inspection of, for example, medical information (Morton). It is respectfully submitted that it is highly improbable that one of ordinary skill in the telecommunication device art (such as Kanesaka) or personal entertainment storage device art (such as Marshall) would additionally consider electronic nametags as disclosed in Morton. Morton admittedly discloses a display which can be hung around a patient's neck, but it is not intended to nor is it suggested that it is for purposes of displaying information so that the user may self-express himself/herself as specifically required in amended claim 1.

In summary, it is clear that the Examiner has asserted a combination of three references in significantly different arts for alleging obviousness of claim 1 and therefore it is respectfully submitted that this form of combination is hard to envision without hindsight reconstruction. Even if combined in the manner as suggested, these references would not

disclose the claimed amulet set forth in claim 1 which is for purposes of a human user to self-express himself/herself via said display.

For all of the foregoing reasons, the Examiner's response to applicant's arguments are believed to be ineffective in rebutting applicant's argument of non-obviousness under 35 USC §103 with respect to independent claims 1 and 23.

The above arguments also apply with respect to independent claims 17 and 25.

### DEPENDENT CLAIMS

All of the dependent claims are believed allowable at least in view of their ultimate dependency from allowable independent claims. Further argument for selected dependent claims is presented below:

#### Dependent Claim 7

Dependent claim 7 further sets forth that there is another input device (besides the microphone) which is touch screen integrated with the display forming part of the amulet. A fourth reference is cited (US patent application publication 2004/0240163, Adams) for teaching a touch-screen type display 100. Adams is directed to a handheld display with no suggestion as to why the display in Kanesaka or the other cited references would preferentially require such a touch screen capability to perform their respective functions. Consequently, claim 7 is further distinguished over the cited art.

#### Dependent Claim 8

Dependent claim 8 recites a power switch for switching power on and off. The Examiner states that sub-switch 213 in Kanesaka is for switching the second information processing device on and off. The sub-switches in Kanesaka are stated as "carrying out various operations with respect to the sub-unit" (Kanesaka, column 6, lines 13-17), but no disclosure for powering the second information processing device on and off is presented. Consequently, claim 8 is further distinguished over the cited art.

Dependent Claim 9

Dependent claim 9 recites that the amulet comprises a main processor adapted to control the operation of the personal communication device. The Examiner relies upon Kanesaka, including processor 210 and the second information processing device. However, there is no disclosure in Kanesaka that this processor controls the operation of the personal communication device since the second information processing device only acts as a slave to the processor in the main device (see Kanesaka, column 6, lines 21-25).

The Examiner's argument therefore appears to be an interpretation of the controller without specific support in the reference and consequently claim 9 is further distinguished over the cited art.

Dependent Claim 10

Dependent claim 10 recites that the amulet comprises a main processor, as well as a radio transceiver coupled to the main processor for arranging bidirectional radio communication between the personal communication device and a digital cellular radio network. The Examiner relies on Marshall and specifically Figure 11 and module 240. However, Marshall cannot be asserted in this regard since Marshall fails to disclose any division of tasks between a main processor forming part of an amulet and a radio transceiver for arranging bidirectional radio communication between the personal communication device and a digital cellular radio network. Claim 10 is therefore further distinguished over the cited art.

Dependent Claim 11

Dependent claim 11 states that the amulet has a unidirectional link from the keypad part to the amulet. The Examiner relies upon Kanesaka, including Figure 1 and column 4, lines 27-32. However, this passage in Kanesaka deals with the first information processing device allowing the portable telephone to perform mono-directional communication with other portable telephones and the like. There is no disclosure that the communication between the first and second communication devices in Kanesaka is unidirectional. Consequently, claim 11 is further distinguished over the cited art.

Dependent Claim 12

Dependent claim 12 recites a third mechanically separate structural part which is a display part and a short distance communication link between this display part and other parts of the personal telecommunication device. The Examiner relies on Marshall and specifically a comparison of display 82 shown in Figure 2 and display 210 shown in Figure 8. Marshall discusses a display 82 shown in Figure 2, but does not provide an indication if it is a separate electronic device or whether it just refers back to the description of viewing an electronic book by means of lenses 52 (Marshall, paragraphs [0031] and [0034]). Consequently, claim 12 is further distinguished over the cited art.

Dependent Claims 19-21

Each of these dependent claims is directed to the amulet part having the microphone and the electroacoustic transducer positioned at the end of a cord extending from said body of the amulet part. The Examiner relies on a fourth reference (US patent 5,956,630, Mackey) for showing an electroacoustic transducer at the end of a cord extending from a body of the amulet part. Mackey is directed to a radio necklace and this rejection appears to be a hindsight reconstruction of the recited features in these claims. Consequently, claims 19-21 are further distinguished over the cited art.

Dependent Claim 22

Dependent claim 22 depends from amulet part independent claim 17 and recites a memory for storing graphical information that is adapted to be shown on the display as a logo. The recited memory 202 and display 210 of Marshall do not show use of the display as a logo. Therefore, claim 22 is further distinguished over the cited art.

Conclusion

For all of the above-recited reasons, as well those previously presented in applicant's Appeal Brief, it is respectfully submitted that the rejection of claims 1-26 of the present application is erroneous and should be reversed.

Allowance of all of the claims in the present application is earnestly solicited.

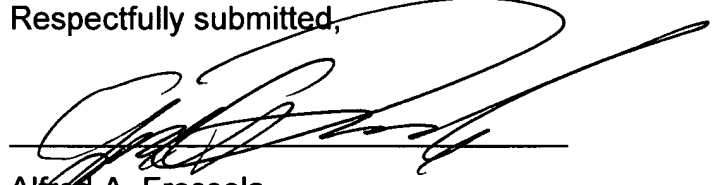
The Commissioner is hereby authorized to charge to deposit account 23-0442 for any fee deficiency required to submit this paper.

Respectfully submitted,

October 20, 2008

*Date*

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